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09/610,779	07/06/2000	Laurent Pouget	0615-102P	4878

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/610,779

Applicant(s)

POUGET ET AL.

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on July 6, 1999. It is noted, however, that applicant has not filed a certified copy of the 9908690 application as required by 35 U.S.C. 119(b).

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it contains legal phraseology (comprising). Correction is required. See MPEP § 608.01(b).

4. Claims 1-8 are objected to because of the following informalities:

- a. In claim 1, line 3, --of-- should be inserted after "made";
- b. In claim 2, line 2, "the opposite side" should be --an opposite side--;

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c. In claim 2, line 2, "to the cross-member" should be --from the cross-member--;

d. In claim 4, line 2, --in-- should be inserted after "therein";

e. In claim 8, line 4, "fully being" should be --fully--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The term "beneath the knee" of a pedestrian and "above the knee" of the pedestrian in claim 7 is a relative term which renders the claim indefinite. The term "beneath the knee" and "above the knee" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Pedestrians are different heights. If the bumper bars are above and below a pedestrian who is over 6 feet tall but only above a pedestrian who is 5 feet tall, does the bumper meet the limitations? The Applicant should not use claim language that defines the invention using a human being's characteristics.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Trabert (US Patent 4,597,603).

Trabert discloses a front structure for a motor vehicle, the structure comprising at least one bumper cross member (9) and a grille(8), the structure being made of a single piece of plastics material (column 3, lines 6-7).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 1, 2, 3, 4, 6, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carbone et al. (US Patent 3,744,835) in view of Takeuchi et al. (US Patent 5,780,125).

Carbone et al. disclose a front structure for a motor vehicle, the structure comprising at least one bumper cross member (upper 16) and an opening for an air intake (15), the structure being made of a single piece of plastics material (column 2, lines 17-26). Carbone et al. also disclose the structure including a third portion (lower 16) on the opposite side of the air opening (15) to the cross member (claim 2), wherein the bumper cross member (16) includes shock absorbers integrated therein, in the form of a honeycomb (16) (claim 4), the third portion (16) consists in a converging portion for guiding the flow of air passing beneath the vehicle (claim 5- the bottom portion is angled towards the vehicle underside as seen in Fig. 2 which would guide the flow of air passing beneath the vehicle), the third portion (lower 16) includes a bottom bar (lower 16) forming a portion for projecting from the front of the vehicle (10) and having the function in the event of a collision with a pedestrian of striking the legs of the pedestrian beneath the knee at the same time as the bumper strikes the leg above the knee (claim 7- as seen in Fig. 2 the upper and lower bumper bars are at the same distance from the front of the vehicle therefore the upper and lower bumper beams would strike a pedestrian at the same time), and receiving a shielding skin (17) covering it in part or in

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full, and performing an appearance function only, with any force in the event of an impact being fully absorbed by the structure (16)..

Carbone et al. do not disclose that the air intake openings include a grille.

Takeuchi et al. disclose a front structure of a vehicle with a bumper cross-member and a grill being integrally formed.

Takeuchi et al. and Carbone et al. are analogous art because they are from the same field of endeavor, i.e., vehicle front structures.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to include a grille in the air opening holes.

The motivation would have been to block debris from entering the engine compartment.

Therefore, it would have been obvious to combine Takeuchi et al. with Carbone et al. to obtain the invention as specified in claims 1, 2, 4, 6, 7 and 8.

Regarding claim 3, Carbone et al. as modified does not specifically disclose an anti-chipping grille. However, the Examiner takes Official Notice that it is well known in the art to use an anti-chipping grille in order to prevent debris from entering the radiator or engine.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carbone et al. as modified as applied to claims 1, 2, 3, 4, 6 and 8 above, and further in view of Tomforde (US Patent 4,770,457).

Carbone et al. as modified discloses the structure according to claim 2.

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Carbone et al. do not disclose that the third members includes under-engine protection.

Tomforde discloses a front engine structure which includes an under engine protection device (4).

Cabrone et al. and Tomforde are analogous art because they are from the same field of endeavor, i.e., vehicle front end structures.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to include an under engine protection device .

The motivation would have been to protect the engine from road debris.

Therefore, it would have been obvious to combine Tomforde with Cabone et al. as modified to obtain the invention as specified in claim 5.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows other one-piece bumpers and pedestrian bumpers.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are (703)



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305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Patricia L Engle  
Examiner  
Art Unit 3612  
6/17/03

ple  
June 17, 2003